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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

MDL No. 2843  
Case No. 18-md-02843-VC-JSC

This document relates to:

ALL ACTIONS

**STIPULATION AND ~~[PROPOSED]~~  
ORDER ON RESOLVING SEARCH  
STRING DISPUTES FOR CUSTODIANS  
IN GROUPS 5 TO 8**

**THE PARTIES STIPULATE AND AGREE AS FOLLOWS:**

1. The parties previously stipulated to a process for negotiating search strings for the custodians in Groups 5 to 8, including for resolving disputes between the parties’ “final proposals.” *See* Dkt. 573.

2. Pursuant to this process, the parties submitted their “final” search string proposals on January 8, 2021. There are currently 49 disputed strings and/or custodian groupings between the two proposals. Plaintiffs’ January 8 proposal hit on approximately 3.31 million documents with families, excluding documents that hit on the finalized search strings for the custodians in Groups 1 to 4. Facebook’s January 8 proposal hit on approximately 1.97 million documents with families, excluding documents that hit on the finalized search strings for the custodians in Groups 1 to 4.

3. For efficiency, and to preserve party and judicial resources, the parties agree to resolve remaining disputes as to the 49 disputed strings and/or custodian groupings through a negotiated compromise, intended to approximate the mid-way point between the parties’ final proposals, as follows:

4. Within seven (7) days of the date this stipulation is entered, Plaintiffs will send Facebook a revised version of their January 8 “final proposal.” Plaintiffs’ revised proposal will not revise any specific strings or custodian groupings from their January 8 proposal. Instead, for each disputed string, Plaintiffs will: (a) continue to propose their January 8 proposal for that string, (b) accept Facebook’s January 8 proposal for that string, or (c) drop the string.

5. Within five (5) days of receiving Plaintiffs’ revised final proposal, Facebook will send Plaintiffs the total deduplicated hit counts on Plaintiffs’ revised proposal, with families, excluding documents that hit on the finalized search strings for the custodians in Groups 1 to 4. These are the only hit counts Facebook will generate with respect to Plaintiffs’ revised final proposal(s). If the document hits with families for Plaintiffs’ revised proposal is between 2.59 million and 2.69 million documents, Facebook will accept the proposal in full.

6. If the document hits with families for Plaintiffs' revised proposal is not between 2.59 million and 2.69 million documents, the parties will repeat the process outlined in Paragraphs 4 and 5, under the same timing requirements. If the document hits with families for Plaintiffs' second revised proposal is between 2.59 million and 2.69 million documents, Facebook will accept the proposal in full.

7. If the document hits with families for Plaintiffs' second revised proposal is not between 2.59 million and 2.69 million documents, the parties will meet and confer for no more than five (5) business days to discuss additional revisions to the proposal. Thereafter, the parties will repeat the process outlined in Paragraphs 4 and 5, under the same timing requirements. If the document hits with families for Plaintiffs' third revised proposal is between 2.59 million and 2.69 million documents, Facebook will accept the proposal in full.

8. If the document hits with families for Plaintiffs' third revised proposal is not between 2.59 million and 2.69 million documents, Facebook will then revise the proposal within seven (7) days. If the document hits with families for Facebook's revised proposal is between 2.59 million and 2.69 million documents, Plaintiffs' will accept the proposal in full.

9. Once a proposal has been accepted in full, Facebook will provide Plaintiffs the total deduplicated number of document hits and document hits plus families for all of the accepted search strings for Groups 5 to 8. Facebook will also provide Plaintiffs with a list of the finalized search strings (as run, including subparts) and custodians for Groups 5 to 8.

10. The parties agree to this process solely as a compromise for purposes of efficiency and to preserve judicial and party resources. Accordingly, the parties expressly reserve all objections to the disputed strings, custodian groupings, and document hit counts, and accepting or dropping strings through this process shall not be construed as a concession on any string or custodian's relevance, appropriateness, or necessity. The hit count range agreed upon in this agreement is a compromise intended only to approximate the mid-way point between the parties' January 8 final proposals and may not be construed as a concession by any party that the

range reflects an appropriate, reasonable, or proportionate number of document hits or a concession relating to the relevancy of any documents yielded by any terms.

11. This process supplements the requirements in the parties' prior stipulation, *see* Dkt. 573. To the extent that any provisions of this stipulation conflict with the parties' prior stipulation, this stipulation shall control.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Dated: March 31, 2021

Respectfully submitted,

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*Attorneys for Defendant Facebook, Inc.*

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 6, 2021

  
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HON. JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE